

Panaji, 16th August, 1974 (Sravana 25, 1896)

SERIES I No. 20

# OFFICIAL GAZETTE



## GOVERNMENT OF GOA, DAMAN AND DIU

### GOVERNMENT OF GOA, DAMAN AND DIU

Law and Judiciary Department

#### Notification

LD/3755/74

The following notifications received from the Government of India, Ministry of Labour & Rehabilitation New Delhi, are hereby published for general information of the public.

M. S. Borkar, Under Secretary (Law).

Panaji, 24th July, 1974.

#### GOVERNMENT OF INDIA

(BHARAT SARKAR)

MINISTRY OF LABOUR

(SHRAM MANTRALAYA)

*Dated New Delhi-110001 the 9th April, 1974*

#### Notification

G. S. R. — The following draft regulations further to amend the Coal Mines Regulations, 1957 which the Central Government proposes to make, in exercise of the power conferred by section 57 of the Mines Act, 1952 (35 of 1952), is published, as required by sub-section (1) of section 59 of the said Act, for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration on or after the expiry of a period of three months and fifteen days from the date of publication of this notification in the Official Gazette.

Any objections or suggestions which may be received from any person with respect to the said draft before the expiry of the period so specified will be considered by the Central Government.

#### DRAFT REGULATIONS

1. These regulations may be called the Coal Mines (Amendment) Regulations, 1974.

2. In regulation 11 of the Coal Mines Regulations, 1957, —

- i) Sub-regulation (7) shall be omitted;
- ii) Sub-regulation (8) shall be renumbered as sub-regulation (7).

(No. S.66012/3/73-MI(ii))

Sd/-

T. S. KRISHNAMURTHI

Under Secretary

#### Notification

G. S. R. — The following draft regulations further to amend the Metalliferous Mines Regulations, 1961 which the Central Government proposes to make, in exercise of the powers conferred by section 57 of the Mines Act, 1952 (35 of 1952), is published, as required by sub-section (1) of section 59 of the said Act, for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration on or after the expiry of a period of three months and fifteen days from the date of publication of this notification in the Official Gazette.

Any objections or suggestions which may be received from any person with respect to the said draft before the expiry of the period so specified will be considered by the Central Government.

#### DRAFT REGULATIONS

1. These regulations may be called the Metalliferous Mines (Amendment) Regulations, 1974.

2. In regulation 11 of the Metalliferous Mines Regulations, 1961, —

- (i) sub-regulation (7) shall be omitted;
- (ii) sub-regulations (8) and (9) shall respectively be renumbered as sub-regulations (7) and (8).

(No. S.66012/3/73-MI(i))

Sd/-

T. S. KRISHNAMURTHI

Under Secretary

## Notification

LD/248/74

Whereas certain draft rules viz. the Goa, Daman and Diu Probation of Offenders' Rules, 1973 were published as required by sub-section (3) of section 17 of the Probation of Offenders' Act, 1958 (20 of 1958) at pages 2 to 12 of the Official Gazette, Series I, No. 1 dated 4th April, 1974 under the Notification of Law and Judiciary Department, Government of Goa, Daman and Diu No. LD/248/74 dated 16-2-1974, inviting objections and suggestions from any person likely to be affected thereby within 30 days from the date of publication of the Notification in the Official Gazette.

And whereas the said Gazette was made available to the public on 4th April, 1974.

And whereas no objections and suggestions have been received from the public on the said draft by the Government.

Now, therefore, in exercise of the powers conferred by section 17 of the Probation of Offenders Act, 1958 (20 of 1958) and with the approval of the Central Government, the Government of Goa, Daman and Diu hereby makes the following rules, namely:—

### I. Preliminary

1. **Short title.**—(1) These rules may be called the Goa, Daman and Diu Probation of Offenders Rules, 1974.

(2) They extend to the whole of the Union territory of Goa, Daman and Diu.

2. **Definitions.**—In these rules unless the context otherwise requires—

(a) "Act" means the Probation of Offenders Act, 1958 (20 of 1958);

(b) "Administrator" means the Administrator of the Union territory of Goa, Daman and Diu;

(c) "Chief Controlling Authority" means the officer appointed under Rule 4;

(d) "Form" means a form appended to these rules;

(e) "part time Probation Officer" means a probation officer other than a salaried probation officer recognised by the Administrator under section 13(1)(a) of the Act or provided by a society under section 13(1)(b) of the Act who is remunerated by fees or honorarium and not salary or who works without remuneration;

(f) "probation district" means the districts of (i), Goa, (ii) Daman or (iii) Diu or such smaller areas as may be specified by the Administrator;

(g) "probationer" means any offender in respect of whom a supervision order is in force;

(h) "salaried Probation Officer" means a whole-time probation officer appointed or recognised by the Administrator under section 13(1)(a) of the Act or provided by fees or honorarium;

(i) "Special Probation Officer" means a probation officer appointed by the court under section 13(1)(c) of the Act;

(j) "supervision order" means an order passed under section 4(3) of the Act.

### II. Departmental Control of Probation Officers

3. **Probation Officers and their control.**—(1) The Administrator may appoint for each probation district such number of persons as he thinks fit to be Probation Officers for the purposes of the Act.

(2) All Probation Officers (whether appointed or recognised by the Administrator) in each probation district shall be under the control of a Probation Officer specified by the Administrator in this behalf and designated as District Probation Officer.

(3) All such Probation Officers in the Union territory of Goa, Daman and Diu shall be under the control of the Chief Probation Officer to be appointed by the Administrator.

4. **Chief Controlling Authority.**—The Administrator may appoint one of the Officers of the Government of Goa, Daman and Diu to be the Chief Controlling Authority who shall exercise administrative control over all the Probation Officers, District Probation Officers and the Chief Probation Officer, and shall perform such other functions as may, from time to time, be assigned to him by the Administrator.

5. **Chief Probation Officer.**—Subject to the control and supervision of the Chief Controlling Authority, the Chief Probation Officer shall be responsible for administering the work of probation throughout the Union territory of Goa, Daman and Diu; and his duties and responsibilities shall include:

(a) control, guidance and supervision of the work of District Probation Officers and other Probation Officers;

(b) assisting and fostering after-care work in the Union territory of Goa, Daman and Diu and other activities for the purpose of rehabilitation of offenders, and maintaining contacts with other related associations and the public;

(c) submission of statistical or other returns and reports as required, to the Chief controlling Authority, and

(d) such other functions as may be assigned to him by the Administrator or the Chief Controlling Authority.

6. **Jurisdiction and function of District Probation Officer.**—(1) The jurisdiction of the District Probation Officer shall cover the whole of the probation district in which he is posted.

(2) He shall:—

(a) be responsible for the working of probation in the whole area within his jurisdiction;

(b) control, guide and supervise the work of probation officers in the district;

(c) submit to the Chief Controlling Authority, the Chief Probation Officer, the District Magistrate, and the court such reports as may be specified by the Administrator or the Chief Controlling Authority or the Chief Probation Officer; and

(d) perform such other functions as may be assigned to him by the Chief Controlling Authority or the Chief Probation Officer.

### III. Probation Officers — Qualification for Appointment and Conditions for Service

**7. General attribute of Probation Officers.** — While appointing Probation Officers, due regard shall be had to the following general attributes of a Probation Officer: —

- (a) adequate educational attainments;
- (b) good character and personality suitable for influencing persons placed under his supervision in two essential respects, viz., (i) conforming to law during the period of probation and (ii) reformation of character and attitude to social behaviour so as not to revert to crime;
- (c) maturity of age and experience; a probation officer in order to have independent charge of a probationer should not be less than 23 years of age; and
- (d) aptitude, zeal and a "calling" for probation work.

**8. Qualifications of salaried Probation Officers.** — (1) A salaried Probation Officer shall be: —

- (a) not less than 23 years and not more than 35 years of age (relaxable for Government servant).
- (b) Master's degree in Criminology/Social Work/Sociology of a recognised University or equivalent;
- (c) a person having 3 years' experience in correctional welfare in an administrative/executive capacity.

N. B. Qualification relaxable at the Union Public Service Commission's discretion in case of candidates otherwise well qualified.

(2) Every salaried Probation Officer shall have to undergo two months in service training under the guidance of the Chief Probation Officer or under any other officers so directed by the Chief Probation Officer.

**9. Qualifications of part-time Probation Officers.** — A part-time Probation Officer appointed in a district shall be: —

- (a) not less than 30 years of age;
- (b) a resident of the Union territory of Goa, Daman and Diu;
- (c) in a position to devote adequate time for supervision of probationers;
- (d) a person having sufficient practical experience in social welfare work or in teaching or in moulding of character; and
- (e) fully conversant with the Act and these rules.

**10. Appointment and registration of Probation Officer.** — (1) The procedure relating to the appointment of Probation Officer by the Administrator, shall be in accordance with general rules relating to recruitment of officers to posts of similar status and responsibility.

(2) Names of individuals in different localities for recognition as part-time Probation Officers submitted by a society or by the District Magistrate or the Chief Probation Officer may be considered by the Administrator.

(3) (a) The names of all Probation Officers recognised by the Administration with their addresses shall be entered in a register kept by the Chief Probation Officer.

(b) List containing the names of (i) Probation Officers appointed by the Administrator (ii) salaried Probation Officers provided by societies and (iii) part-time Probation Officers for service in the district or in specified areas of the district or allotted to specified courts in the district, shall be kept by the District Probation Officer and made available to the Courts whenever necessary.

**11. Special Probation Officer.** — (1) The court may appoint a special Probation Officer under section 13(1)(c) of the Act in view of the special circumstances of the cases when no Probation Officer on the lists referred to in rule 10(3) (b) is available or is considered suitable enough to attend to the case. A court or a District Magistrate may also appoint a special Probation Officer under section 13(2) of the Act.

(2) In deciding whether a person is suitable or not for appointment as a Probation Officer in a particular case, under section 13(1)(c) or section 13(2) of the Act, the court or the District Magistrate may take into consideration; (a) the general attributes specified in rule 7 and the provisions of rule 12, (b) his age, position, character and attainments and relationship to the offender; and (c) his ability to follow the rules and to discharge the duties imposed on probation officers.

**12. Choice of Probation Officer — precautions.** — (1) Female probationers should not ordinarily be placed under the supervision or control of male probation officers.

(2) Religious persuasions of the probationer and the Probation Officer should be taken into consideration.

(3) While choosing a Probation Officer for supervision in a particular case, the court may, where necessary, consult the District Probation Officer.

**13. Terms and conditions of service.** — (1) (a) Subject to the provision of these rules, the general terms and conditions of service applicable to Probation Officers appointed by the Administrator shall be the same as those prescribed for other officers by the Administrator of similar status and responsibility.

(b) Salaries, allowances and other terms and conditions of service applicable to salaried Probation Officers appointed by a society shall be prescribed by the society in accordance with these rules and the instructions issued by the Administrator or the Chief Controlling Authority under rule 22(3) (b);

(c) A part-time Probation Officer may be paid (i) a fixed remuneration with due regard to the nature and extent of the duties he is required to perform or (ii) an honorarium, or he may work without accepting any remuneration.

(d) A special Probation Officer may be paid, if the court so directs, remuneration or allowances for

supervision of probationers at rates similar to those prescribed for part-time probation officers.

(2) (a) Every Probation Officer shall be furnished with an identity card in Form I. The identity card shall be used only where necessary in connection with his work and shall be returned to the Chief Probation Officer on suspension or termination of his appointment.

(b) Probation Officers shall not wear any uniform or badge.

(3) A Probation Officer shall give at least a month's notice in writing if he wishes to resign his appointment. In respect of Probation Officers appointed by the Administrator, the period of notice shall be such as may be prescribed by the Government of Goa, Daman and Diu for government servants of similar grade and status, from time to time. If a part-time Probation Officer is unable, owing to ill-health or otherwise, to perform his duties he shall at once report the fact to the District Probation Officer.

#### IV. Probation Officer — Duties and Responsibilities

**14. Departmental responsibility.** — (1) Every Probation Officer shall carry out the directions of the Chief Controlling Authority and the Chief Probation Officer.

(2) Every Probation Officer shall inform the District Probation Officer, as soon as a probationer is placed under his supervision, of that fact and of the particulars with such other facts as may be prescribed by the Chief Probation Officer.

(3) Every Probation Officer shall submit: —

(a) to the District Probation Officer a monthly report on the progress of each probationer placed under his supervision (in Form VIII) and copies of pre-sentence report and of other reports submitted to a court or District Magistrate; and

(b) to the Chief Probation Officer and the District Probation Officers such periodical reports and statistics as may be required.

**15. Pre-sentence report.** — (1) For the purpose of section 14(a) of the Act, the Probation Officer shall, after making discreet inquiries regarding the offender's character and antecedents, his social and environmental conditions, the financial and other circumstances of his family, the circumstances in which the alleged offence was committed and any other facts which the court had directed him to enquire into, put down the relevant facts fully and faithfully in the report, as nearly as may be in Form III.

(2) The summary of the case shall include an objective statement of facts along with the Probation Officer's assessment of the case, so as to help the court in determining the most suitable method of dealing with the offender after he is found guilty.

(3) The report shall be treated as 'confidential' and delivered to the court on the date specified by it; it should be enclosed in a sealed cover, if sent to the court or delivered on a date prior to the date of delivery of judgement.

**16. Supervision of probationers.** — (1) The Probation Officer shall act as a friend and guide of the

probationer. For this purpose, he shall, subject to any provision of the supervision order, require the probationer to report to him at stated intervals, meet him frequently and keep in close touch with him.

(2) At the first meeting the Probation Officer shall:—

(a) explain to the probationer the conditions of the supervision order;

(b) advise him as to how he should conduct himself; and

(c) specify the days on which he should report to the officer, the time and place of reporting being so arranged as to avoid unnecessary hardship to the probationer and to secure proper privacy; and inform the probationer that any omission on his part in so reporting will have to be satisfactorily accounted for.

(3) The Probation Officer shall visit the probationer periodically in his home surroundings and, where suitable, his occupational environment, in order to see the progress made by the probationer and the difficulties, if any, met with by him.

Provided that in the case of young offenders attending school or college, the probation officer shall not visit the probationer in the institution, but may make discreet inquiries from the teacher or tutor or head of the institution regarding his attendance, conduct and progress, without prejudicing the probationer's interest in any way.

(4) The frequency of the meetings, including visits by the Probation Officer, should depend upon the conduct and mode of life of the probationer and upon the progress he is making. But the number of meetings should be, unless the court otherwise directs, not less than:—

(a) once a week during the first month;

(b) once a fortnight, during the rest of first half of the period of probation; and

(c) once a month during the remaining period.

(5) The Probation Officer shall endeavour, by example, advice, persuasion and assistance and, where necessary, by warning, to ensure that (a) the probationer does not violate the conditions of the supervision order or commit any further offence and behaves in conformity with law and (b) his behaviour, attitude to society, habits, character and moral improve, so that he may not revert to crime.

(6) The Probation Officer shall also take such action as he deems necessary for better regulation of the conduct and mode of life of the probationer or for closer supervision over him.

**17. Duties in relation to Courts.** — (1) The Probation Officer may move the court before which the probationer is bound to vary the conditions of the bond by way of tightening or relaxing them, as may be required by the conduct of the probationer.

(2) If the Probation Officer considers that the probationer has made sufficient progress and further supervision is not necessary, he shall make an application to the court for discharging the bond under section 8(3) of the Act.

(3) If the probationer fails to observe any of the conditions of the bond or behaves in a manner indicating that he is not likely to fulfil the purpose of supervision order, the Probation Officer shall report the fact to the court for such action as may be considered necessary.

(4) The Probation Officer shall consult the District Probation Officer with regard to appeal or revision under section 11 of the Act.

**18. Responsibilities in relation to District Magistrate.** — The Probation Officer shall. —

(1) carry out any directions that the District Magistrate may give regarding supervision of a probationer.

(2) submit such reports to the District Magistrate on the progress of probationer as may be required in Form VIII;

(3) report to the District Magistrate: —

(a) cases where conditions of the supervision order or bond are not adhered to, which would include, inter-alia: —

- (i) the probationer changing his residence;
- (ii) any fresh offence committed by the probationer;
- (iii) any serious violation of the conditions of the supervision order; and
- (iv) any plan of the probationer to abscond;

(b) any attempt by any person to aid or abet the probationer in commission of a crime or otherwise influence him so as to adversely affect his conduct and reformation; and

(c) the factors, if any, obstructing the rehabilitation of the probationer.

**19. Rehabilitation and after-care of probationer.**

— (1) The Probation Officer shall assist the probationer's rehabilitation in society, so that he is not forced to revert to crime. For this purpose the probation officer shall endeavour to secure for the probationer. —

- (a) training facilities,
- (b) employment opportunities,
- (c) any necessary financial aid, and
- (d) contracts and associations with normal individuals and congenial organisations like Boy Scouts and Girls Guides, Youth organisations and Community projects.

(2) The Probation Officer shall try to have constant touch with discharged probationers to follow up the progress made by them towards rehabilitation, for such period as may be prescribed by the Chief Probation Officer.

(3) The Probation Officer shall participate, whenever possible, in aftercare schemes and organisations.

**20. Other duties of Probation Officer.** — The Probation Officer shall also undertake the following functions: —

- (1) educating the public and mobilising support for the probation system;

(2) mobilising public assistance and co-operation in the field of Social Defence;

(3) being in charge of any institution or other premises referred to in rule 30 that may be assigned;

(4) any other duties of a cognate nature which may be assigned by order of the Administrator.

**21. Probation Officer not to divulge information.** — A Probation Officer shall not divulge information concerning his inquiries or work of probation to any person other than the authorities to whom he is required to report, except in so far as it is necessary to do so in the interest of the probationer.

#### V. Recognition of Society

**22. Recognition of Society.** — (1) A society primarily devoted to any of the following kinds of work will be eligible for seeking recognition under clause (b) of sub-section (1) of section 13 of the Act;

(a) social defence, including care, after-care or aid to offenders or discharged prisoners and protection and training of rescued or destitute women or children;

(b) education or other social welfare work; and

(c) religious or charitable work, with interest in aiding and rehabilitating such persons as are mentioned in clause (a).

(2) Any society eligible under sub-rule (1) and desiring recognition shall make an application to the Administrator, together with a copy each of its rules, bye-laws, articles of association, list of its members and office-bearers and a statement showing its status and past record of social or public service.

(3) The Administrator may, after making such inquiry as he considers necessary into the status, past record of social or public service and present conditions of the society, and satisfying himself that the society possesses sufficient financial means to carry out its obligations, grant recognition to the society, on condition that it shall undertake to. —

(a) provide such Probation Officer as may be required by the Administrator or court;

(b) abide by these rules and any instructions issued by the Administrator and the Chief Controlling Authority and see that the same are followed by the Probation Officers and the personnel of any institution or other premises referred to in rule 30 under it; and

(c) furnish to the Administrator, whenever required, a statement of its financial position including a balance sheet and audited report; if any.

(4) The Administrator may withdraw the recognition granted to a society under sub-rule (1) after giving a notice of three months to the society. The recognised society may also get its recognition withdrawn by the Administrator after giving to him a notice of three months.

**23. Subsidy to a society.** — (1) A recognised society requiring a subsidy from the Administrator

in aid of its activities relating to probation shall forward to the Chief Controlling Authority through the Chief Probation Officer an application accompanied by a copy of —

(a) its rules regarding salaries, allowances and conditions of service of probation officers and its rules regarding the management of institutions or other premises referred to in rule 30, if any, under it; and

(b) such other particulars as may be required.

(2) The Administrator may, in deserving cases and on the recommendation of the Chief Controlling Authority, pay to a recognised society such subsidy and for so long as it may deem fit.

(3) The society which has been granted a subsidy shall —

(i) submit its annual report and audited accounts and such other reports as may be called for by the Chief Controlling Authority.

(ii) maintain standards of supervision work and manage institutions or other premises referred to in rule 30, if any under it to the satisfaction of the Chief Controlling Authority; and

(iii) provide all facilities for inspection by the officers concerned.

**24. Control of Probation Officers.** — (1) (a) If a Probation Officer appointed by a society fails to observe the duties imposed on him by the Act or the rules or to abide by other orders of the Administrator or the Chief Controlling Authority or the Chief Probation Officer, for regulation of the work and conduct of Probation Officers, the court or the District Magistrate or the District Probation Officer may report the fact to the society and thereupon the society shall take suitable action on that report and inform the District Probation Officer of the action taken.

(b) the society shall consider every complaint against such Probation Officer relating to any matter which affects his fitness for office and shall investigate every such complaint which in its opinion calls for investigation, and take further disciplinary action, wherever necessary.

(2) The work of Probation Officers provided by the society will be subject to guidance, supervision and control by the Chief Controlling Authority or any officer empowered by the Administrator to act on his behalf.

#### VI. Procedure for Courts and District Magistrate

##### A. Court Procedure

**25. Inquiry into the character and antecedents.** —

(1) The court may direct a Probation Officer (as in form II) to enquire into the character and antecedents of the accused, the circumstances in which the offence was committed and other matters and submit a report on a prescribed date, which should ordinarily be the expected date of delivering judgement. The court shall consult the report only after finding the accused guilty. If he is not found guilty, the report should be returned to the Probation Officer concerned for record for purposes of future reference.

(2) The court may direct the Probation Officer to make any further investigations, and where required,

to have a medical or psychiatric examination of the offender, and report to the court for enabling it to decide action to be taken under section 3, 4, 5, and 6 of the Act.

**26. Forms.** — The following forms may be used for the purpose noted against each: —

(a) Form IV — Bond for good behaviour under section 4(1) of the Act.

(b) Form V — Supervision order under section 4(3) of the Act.

(c) Form VI — Undertaking by probationer under section 4(4) of the Act.

**27. Periodical reports.** — The court may require a Probation Officer to submit a report on a stipulated date or periodical reports on the progress, conduct and mode of living of the probationer placed under his supervision for purpose of sections 8 and 9 of the Act.

**28. Copy of supervision order to be supplied to societies.** — Where a court passes a supervision order under sub-section (3) of section 4 and appoints a Probation Officer provided by a society, it shall forward a copy of it to the society.

#### B. Functions of District Magistrate

**29. Inspection by District Magistrate.** — The District Magistrate may —

(a) inspect the work and any record in the office of any Probation Officer working within his jurisdiction;

(b) give any directions to Probation Officers that he considers to be immediately required for the due performance of their work relating to supervision; and

(c) send his observations or report on the foregoing or other facts to the Chief Probation Officer and District Probation Officer.

#### VII. Residence of Probationers

**30. Institutions or other premises for reception of probationers.** — (1) The Administrator may maintain, or approve subject to such conditions (including conditions relating to management and inspection) as he may deem fit to impose, any institution or other premises for the reception of probationers who may be required to reside therein by a supervision order.

(2) Any such institution or other premises shall be maintained, managed and inspected in accordance with such instructions as may be issued by the Administrator from time to time.

**31. Residence of a probationer in such institution or other premises.** — (1) When a Probation Officer is of opinion that it is necessary or desirable for a probationer to reside in any institution or other premises referred to in rule 30 on the ground that the probation has no fixed abode or no abode suitable for due supervision, or that his home surroundings are not suitable for achieving the objects of probation or that the objects of probation would be better served by his staying in such institution or premises, the probationer may be asked to reside therein.



(2) A probationer may also be required to reside in any such institution or premises in pursuance of any order of the court which passed the supervision order. A copy of the order should be sent to the Officer/person in charge of such institution, and an undertaking may be taken from him when necessary (as in Form VII).

The officer/person in charge of such institution may be asked to maintain inmate record (as in Form X).

**32. Change of residence.**— (1) Where a probationer under supervision, consistent with the conditions of the supervision order, changes or proposes to change his place of residence and the place of such residence is outside the jurisdiction of the probation officer, he shall obtain the permission of—

(a) the Probation Officer, if the period of such stay does not exceed one month;

(b) the court on application made through the Probation Officer if such period exceeds three months.

(2) Where the period of stay referred to in sub-rule (1) exceeds one month, the probationer shall be required to report to a Probation Officer having jurisdiction in the changed place of residence on or before a specified date.

(3) The Probation Officer in the changed place of the residence shall send to the original Probation Officer a report of the arrival of the probationer and send copies of the report and such other reports as may be required to the Chief Probation Officer.

(4) Where the period of stay referred to in sub-rule (1) exceeds two months, a new Probation Officer may be appointed under section 13(2) of the Act by the District Magistrate having jurisdiction over the changed place of residence or by the court.

#### VIII. Records

**33. Records to be maintained by Probation Officers.**— (1) A Probation Officer shall maintain the following records:—

(a) a diary showing his day-to-day work including preliminary inquiries, attendance at courts, meetings with probationers, contacts with societies and visits to institutions and premises referred to in rule 30, a copy of the diary being submitted every week to the District Probation Officer;

(b) a file containing copies of all reports of preliminary inquiries submitted to the courts;

(c) a register showing the receipt and disposal of all orders of the courts to the Probation Officer for making inquiries;

(d) probationer's case-file as in Form IX containing:—

(i) a front cover page indicating the main particulars of the probationer and the case;

(ii) a summary of the probationer's antecedents, character, his family and other environments and the circumstances of the offence, further progress of supervision and all other important events during the period of probation; and

(iii) copies of pre-sentence report, order of courts, bonds or undertakings, and all other

records relating to him including a history sheet;

(e) an index card, and a chronological register (as nearly as may be in Form XI) of probationers;

(f) register of payments made on account of probationers showing:—

(i) payment to institutions or premises referred to in rule 30 for maintenance of probationers;

(ii) payment to probationers for travelling expenses to such institutions or premises and back;

(iii) fares for reporting to a probation officer;

(iv) other financial aid to probationers; and

(g) such records as may be prescribed by the Chief Probation Officer or the Chief Controlling Authority from time to time.

(2) In the case of part-time Probation Officers, the records mentioned in clauses (b), (c), (e) and (f) of sub-rule (1) shall be kept in the Office of the District Probation Officer.

(3) A special Probation Officer shall maintain the records mentioned in clauses (a) and (b) of sub-rule (1) and send such other information to the District Probation Officer, the Chief Probation Officer and the Chief Controlling Authority as prescribed by the Administrator from time to time.

**34. Preservation of records.**— (1) Each probationer's case file with the probation officer shall be preserved for not less than ten years from the date of the expiry of the supervision order to which it relates.

(2) The diary shall be closed on the 31st December of each year and thereafter be deposited as a confidential record in the office of the Chief Probation Officer. Each volume of diary shall be preserved for not less than ten years from the date of its closure.

(3) The index card and the chronological register should be preserved for at least ten years more after the destruction of the history sheets to which they relate.

**35. Inspection Book.**— An Inspection Book shall be maintained at each probation officer's office; and a copy of the Inspection Book relating to a part-time probation officer shall be maintained in the District Probation Officer's Office. The Chief Controlling Authority, Chief Probation Officer, District Magistrate, District Probation Officer and such other persons as may be appointed by the Chief Controlling Authority for inspecting the work of Probation Officers shall record their observations in the Book. The observations made therein shall be forwarded to the Chief Probation Officer along with the comments of the Probation Officer.

**36. Records to be maintained by District Probation Officer.**— The District Probation Officer shall maintain in his office in such manner as may be prescribed by the Chief Controlling Authority:

(i) List of Probation Officers in the district or area under his jurisdiction;

(ii) List of institutions or premises referred to in rule 30, in that area;

(iii) a dossier for each probationer under supervision in the district, containing a summary of the case and duplicate of important documents in the case records with the Probation Officer;

(iv) register of probationers in the district (as nearly as may be in Form VIII), received from Probation Officer;

(v) an inspection file containing notes of inspection of offices of Probation Officers and copies of reports of inspection submitted to the Chief Probation Officer;

(vi) register of probationers staying in institutions or premises referred to in rule 30, in the district;

(vii) register of probationers in the district;

(viii) register of payments to societies in the district; and

(ix) such other records as may be directed to be maintained by the Chief Controlling Authority.

#### IX. Miscellaneous

**37. Probationers not to be employed on private work of Probation Officer.**—A Probation Officer shall not employ any probationer placed under his supervision for his own private purpose or take any private service from him.

**38. Submission of statistics.**—Every Probation Officer shall collect and submit in January and July, the following statistics for the preceeding half year to District Probation Officer concerned, who in turn will consolidate these statistics for the probation district and submit the same to the Chief Probation Officers:—

(1) the number of probationers;

(2) employment of probationers;

(3) the number of cases of variation of order under section 8 of the Act and of failure to observe conditions of bond dealt with under section 9 of the Act;

(4) the number of offenders in his jurisdiction (a) discharged after admonition under section 3 of the Act, (b) released under section 4(1) of the Act without supervision, (c) sentenced to imprisonment though below 21 years.

The statistics mentioned above should be shown separately according to sex, age group, particulars of the legal provisions specifying nature of crimes and offences.

Provided that in the case of part-time Probation Officer the statistics mentioned in this rule shall be collected and maintained by the District Probation Officer.

#### FORM I

[See rule 13(2)(a)]

(Front cover)

GOVERNMENT OF GOA, DAMAN AND DIU

Probation Department

Panaji

(Back cover)

#### Instructions

1. This card is meant for establishing the identity of the holder as a District Probation Officer/Salaried Probation Officer/Associate Probation Officer.

2. The holder shall keep the card in his personal custody and shall be responsible for the safe custody thereof. Any loss or subsequent recovery of this card must be immediately reported to the Chief Probation Officer.

3. This card shall be returned to the Chief Probation Officer when the holder is placed under suspension or ceases to hold office.

4. Holder of the card will be liable for disciplinary action, if the card is misused any way.

(Inside)

Serial No. ...

Name in full ... (in block letters)

Designation of the post held ... (in block letters)

Full signature of the holder ...

Date ...

F  
O  
L  
D  
  
H  
E  
R  
E

Photograph  
of holder

(Signature)

Chief Probation Officer

#### FORM II

[See rule 25(1)]

Order under sub-section (2) of section 4/sub-section (2) of section 6 of the Probation of Offenders Act, 1958

To

The Probation Officer

...

...

Whereas a report under sub-section (2) of section 4/sub-section (2) of section 6 of the Probation of Offenders Act, 1958 (Act 20 of 1958) is required for dealing with (Name) ... son/daughter of ... on bail/in custody at ... (full address) under section ... in Criminal Case No. ... and of P.S. Cr. No. ... You are hereby directed to collect or arrange to collect the necessary information after making an inquiry and submit your report of social enquiries on or before ... or within such further time as may be allowed to you by the court.

Brief particulars of the case are as under:—

...

...

...

...

Seal of the  
court

J.M.F.C. Court of Session

#### FORM III

[Vide rule 15(1)]

#### Report on Preliminary Enquiries

(Under the Probation of Offenders Act, 1958)

No. ...

Judicial Magistrate First Class

In the court of ...

Session Judge

... (Place) ... (District) ... C.C. No. ... of 19 ... date of hearing ... Offence (Section and brief description) ... State ... Police Station ... Crime No. ...

Name of Offender (in block letters)

Address ...

Age ... Sex and religion ...

#### Personal History

Behaviour and habits (moral, recreational etc.).

Temperament (outstanding character and personality traits).

Physical and mental history and present conditions.

Leisure time activities.



**External Influence**

School record and report of teachers, if any.

Employment history.

Present occupation and wages (give also condition of work and leisure etc.).

Report of employer, if any.

Associates.

Contact with social and religious organisations, if any.

Home conditions.

**Family History of:**

(a) Father.

(b) Mother.

(c) Step-father.

(d) Step-mother.

(e) Siblings.

(i)

(ii)

(iii)

(iv)

(f) Wife/Husband.

(g) Children.

(i)

(ii)

(iii)

(iv)

(h) Other interested relations, if any.

**Economic Condition of the Family**

Any social agencies, institutions or individuals interested in the family.

Report of parents and relations.

Attitude of family towards offender and extent of its influence on him/her.

Report of neighbours.

Home surroundings and general outlook.

Is poverty or unsettled life the cause of offence?

**Legal History**

Previous institutional record, if any.

Statement of the present offence and circumstances in which it was committed.

Offender's own reaction to the offence and his attitude towards possible punishment.

Any special information required by the court.

**Summary**

(a) Factual background of offender and his environment and offence.

(b) Diagnosis (Offender's attitude, defects in character of family, motivations and other factors regarded as casual factors of the offence).

(c) Prognosis (treatment considered most suitable and estimates of chances of improvements).

(d) Recommendations.

Name and address of the Probation Officer.

State.

Date.

Probation Officer

**FORM IV**

[(Vide rule 26 (a))]

**Bond to keep Peace and to be of Good Behaviour**

(Under sub-section (1) of section 4 of the Probation of Offenders Act, 1958)

In the Court of ... Judicial Magistrate First Class  
District & Sessions Judge

Criminal Case No. ... of 19...

Whereas I, ... inhabitant of ... have been ordered to be released by the court of ... on condition of my entering into a bond to appear and receive sentence when called upon during a period of ... years.

I hereby bind myself:—

- (1) to appear and receive sentence when called upon to do so;
- (2) not to commit a breach of the peace or do any act that may occasion a breach of peace; and
- (3) to be of good behaviour to Government and all the citizens of India during the said period.

In case of my making default therein, I hereby bind myself to forfeit to Government a sum of Rs. ... Dated this ... day of ... 19...

Signature

Executed before me

Magistrate/Court of Session

I/We do hereby declare myself/ourselves surety/sureties for the above named:—

- (1) to appear and receive sentence when called upon to do so;
- (2) that he/she will not commit a breach of peace or do any act that may occasion a breach of peace; and
- (3) that he/she will be of good behaviour to Government and all the citizens of India during the said period.

In case of his/her making default therein, I/We bind myself/ourselves jointly and severally to forfeit to Government a sum of Rs. ...

Dated this ... day of ... 19...

Signature

Signature

Name and Address

Name and Address

Executed before me

Magistrate/Court of Session.

**FORM V**

[(Vide rule 26(b))]

**Supervision Order**

(Under sub-section (3) of section 4 of the Probation of Offenders Act, 1958)

In the Court of ... Judicial Magistrate First Class  
District and Sessions Judge Criminal

Case No. ... of 19...

Whereas ... has this day been found guilty of an offence under section ...

And the court is satisfied that it is expedient to deal with the said person by making an order placing him/her under supervision;

It is hereby ordered that the said person be placed under supervision of ... a Probation Officer for a period of ... years subject to following conditions, namely:—

- (1) that he/she will present himself/herself within fourteen days from the date of this order, before the probation officer named herein, and will produce copies of the order and bond executed by him/her;
- (2) that he/she will submit to the supervision of the Probation Officer or any other officer appointed in his place;
- (3) that he/she will (a) during the period specified herein keep the Probation Officer advised of his/her place of residence and means of livelihood (b) reside at ... for a period of ... years;

- (4) that he/she will not quit the district/jurisdiction of ... without the written permission of the competent authority;
- (5) that he/she will not associate with bad characters and will not lead a dissolute life;
- (6) that he/she will live honestly and peaceably and will endeavour to earn an honest livelihood;
- (7) that he/she will not commit any offence punishable by any law in force in India;
- (8) that he/she will abstain from taking intoxicants;
- (9) that he/she will carry out such directions (verbal or written) as may, from time to time be given by the Probation Officer, for due observance of the conditions mentioned above.

Dated this ... day ... of 19 ...  
Seal of the Court                      Magistrate/Judge

FORM VI  
[Vide rule 26 (c)]

(Under sub-section (4) of section 4 of the Probation of Offenders Act, 1958)

In the Court of ...                      Judicial Magistrate First Class  
   District & Sessions Judge  
Criminal Case No. ... of 19 ...

Whereas I, ... inhabitant of ... have been ordered to be released by the court of ... on condition of my entering into a bond to observe conditions specified in the supervision order made by the court I hereby bind myself as follows:

- (1) that I will accept and fulfill the conditions specified by the court in such order for the period specified therein;
- (2) that I will present myself, within fourteen days from the date of the supervision order, before the Probation Officer named in the order and will produce copies of the order and the bond executed by me;
- (3) that I will submit myself to the supervision of the Probation Officer named in the supervision order or of any other officer appointed in his place;
- (4) that I will (a) during the period specified in the order, keep the Probation Officer advised of my place of residence and means of livelihood, (b) reside at ... for a period of ... years;
- (5) that I will not quit the said district/jurisdiction of ... without the written permission of the competent authority.
- (6) that I will not associate with bad characters and will not lead a dissolute life;
- (7) that I will live honestly and peaceably and will endeavour to earn an honest livelihood;
- (8) that I will not commit any offence punishable by any law in force in India;
- (9) that I will abstain from taking intoxicants;
- (10) that I will carry out such directions (verbal or written) as may, from time to time, be given by the Probation Officer for the due observance of the conditions mentioned above.

In case of my making default therein, I hereby bind myself to forfeit to Government a sum of Rs. ...

Dated this ... day of ... 19 ...  
   Signature  
Executed before me                      Magistrate/Judge

Seal of the court  
I/We do hereby declare myself/ourselves sureties for the above named... that he/she will observe the conditions specified in the supervision order and in the bond and in case of his/her making default therein I/We bind myself/ourselves jointly and severally to forfeit to Government a sum of Rs. ...  
Dated this ... day of ... 19 ...  
   Signature                      Signature  
Name and Address                      Name and Address  
Executed before me                      Magistrate/Judge  
Seal of the court.

FORM VII  
[Vide rule 31(2)]

Form of undertaking by Authority in charge of Institutions or other Premises for Reception of Probationers

Judicial Magistrate First Class  
In the court of ...                      District and Sessions Judge

I ... of ... do hereby declare that I am willing to take charge of ... aged ... years under the orders of the court subject to the following terms and conditions: ---

- (1) I shall do my best for the welfare of the probationer as long as he/she remains in my charge and shall make proper provision for his/her maintenance.
- (2) If the probationer's conduct is unsatisfactory, I shall at once inform the court/probation officer.
- (3) In the event of the probationer's illness, he/she shall have proper medical attention in the nearest hospital.
- (4) The probationer shall be free to follow the observance of his/her own religion.
- (5) I undertake to produce him/her before the court when so required.

Dated this ... day of ... 19 ...  
Executed before me                      Signature  
   Magistrate/Judge

Seal of the Court

FORM VIII  
[Vide rule 14(3)(a) and 18(2)]

Monthly Report of Progress of Probationer

PART I

Probation Office ...                      For the month of ...  
Register No. ...                      Court ...  
   Case No. ...  
Probationer's Name ...                      Date of supervision order ...  
Probationer's Address ...                      Period of Probation ...

PART II

Place of interview	Dates
.....	.....
.....	.....
.....	.....
.....	.....

- 1. Where the probationer is residing?
- 2. Progress made in any educational/training course.
- 3. What work he/she is doing and his/her monthly average earning?
- 4. Savings kept in the post office savings Bank Account/ /Bank in his/her name.
- 5. Probationer's health.
- 6. Remarks on his/her general conduct and progress.

PART III

- 7. Any proceedings before court/District Magistrate for.
  - (a) Variation of conditions of bond under section 8(1) or 9(1) of the Act, or
  - (b) change of residence vide rule ..., or
  - (c) other matter.
- 8. Probation period completed on ...
- 9. Result of probation with remarks, if any.
- 10. Occupation and address after discharge.

To  
The District Probation Officer/Court.  
   Probation Officer  
   Date of report  
   Address:

## FORM IX

[Vide rule 33(1)(d)]

## Probationer's Case-File

## A—(Front/Cover page)

Probation Office  
 Office Regn. No.  
 Name of Probationer  
 Address  
 Occupation  
 Home address  
 Mother tongue  
 Sex ... Age ...  
 Date, time and place of arrest  
 Facts of the case (in brief)  
 Previous convictions  
 Referred for enquiry on  
 Inquired by  
 Inquiry report submitted on  
 Monthly progress reports  
 submitted on:

I year                      II year                      III year

## B—Summary

1. Brief family history and home conditions
2. School record and employment history
3. Delinquencies
4. Health
5. Mental conditions:
6. Neighbourhood conditions:
7. Any other outstanding features and additional information:
8. Chronological development of the case:
9. Suggestions made by the Probation Officer:
10. Final order (with date) of the court:
11. Name and address of the surety/sureties while under supervision.
12. (a) Restrictions as to reside in any area/probation home/or otherwise:  
(b) Other restrictions:

13. Salient points in progress reports:

14. Amendments to order if any, under section 8 and 9 of the Act:

Final disposal:

Probation Officer

## C—Other contents of dossier

1. Pre-sentence report.
2. Order of the Court.
3. Copy of bond/undertaking executed, if any.
4. Correspondence.
5. Monthly reports.

## FORM X

[Vide rule 31(2)]

## Inmate's Record

1. Serial No. and date of admission
2. Name of probationer
3. Father's name and address
4. Identification details (Caste, religion, age, sex, language etc.)
5. Name and address of  
(a) Probation officer, and  
(b) Sureties.
6. (a) Time and day during which he has to be inside the Home and time during which he is allowed to go out.  
(b) Other conditions imposed on the probationer during his stay in the Home.
7. Health
8. Any reports or complaints received from where he works.
9. Any violation of conditions of probation noticed or complained of and date of report to probation officer.
10. Any other remarks
11. The date of leaving the institution or other premises for reception of probationers.
12. His new address, new occupation, etc.

Signature

Incharge of Probation Home

## FORM XI

[Vide rule 33(1)(c)]

## Chronological Register of Probationers

Sr. No.	Name of probationer Father's name and address	Sex, age, religion identification marks etc.	Offences (give section and brief description of the offence)	Court passing the supervision order and case No.	Date of supervision order and period of supervision	Name of Probation Officer	Pre-sentence report submitted or not (If submitted give No. and date)	Whether the probationer is residing in an institution or other premises for reception of probationer if so give the name and address of the institution/ premises
1	2	3	4	5	6	7	8	9

  

Name and address of sureties, if any	Occupation, if any, and wages; name and address of employer, if any	Any variation in the original supervision order and the date of such variation	No. of visits paid	No. of visits received	No. of progress reports submitted	Results of probation and remarks of Probation Officer, if any	Subsequent history after completion of Probation				
							First Year	Second Year	Third Year	Fourth Year	Fifth Year
10	11	12	13	14	15	16	17	18	19	20	21

By order and in the name of the Administrator of Goa, Daman and Diu.

M. S. Borkar, Under Secretary (Law).

Panaji, 30th July, 1974.

**Notification**

LD/3799/74

The following notification received from the Government of India, Ministry of Industrial Development is hereby published for general information of the public.

M. S. Borkar, Under Secretary (Law).

Panaji, 26th July, 1974.

**GOVERNMENT OF INDIA****MINISTRY OF INDUSTRIAL DEVELOPMENT**

*New Delhi the 11th June, 1974*

**Notification**

G. S. R.—Whereas certain draft rules further to amend the Explosives Rules 1940, where published as required by section 18 of the Indian Explosives Act, 1884 (4 of 1884), at page 3735 of the Gazette of India, Part II, Section 3, sub-section (i), dated the 30th December, 1972, under the notification of the Government of India in the Ministry of Industrial Development, No. G. S. R. 1636, dated the 7th December 1972, inviting objections and suggestions from all persons likely to be affected thereby, till the expiry of a period of one month from the date of publication of the said notification in the Official Gazette;

And whereas the said Gazette was made available to the public on the 4th January, 1973;

And whereas no objections or suggestions have been received by the Government;

Now, therefore, in exercise of the powers conferred by section 5 and 7 of the said Act, the Central Government hereby makes the following rules

further to amend the Explosives Rules, 1940, namely:—

1. (1) These rules may be called the Explosives Amendment Rules, 1974.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In sub-rule (2) of rule 85 of the Explosives Rules, 1940 (hereinafter referred to as the said rules),

(i) for the opening portion, the following shall be substituted, namely—

(2) (a) A licence in form 'F' may be granted for such period not exceeding one year as the licensing authority may deem necessary.

(b) Every other licence granted or renewed under these rules shall remain in force until the expiry of the financial year immediately following the financial year in which it was issued".

(ii) the second proviso shall be omitted.

3. In schedule IV to the said rules, in column 5,

(i) for the heading, the following heading shall be substituted, namely:—

"Fee for each financial year or part thereof, except where otherwise stated.

(ii) against the entries relating to Article No. 1, in column 5, for the existing entry, the following entry shall be substituted, namely:—

"Rs. 25.00 for one year from the date of grant of the licence or part thereof".

No. 11/17/74-LI(II)

Sd/-

HARGUNDAS

Deputy Secretary to the Govt. of India.